IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

A. O. NO. 430 OF 2006

SHASHIKANT B.VASHI &; ORS. ... Appellants
V/S
VAGAD VISHA OSWAL MURTI POOJAK
TAPAGACHHA JAIN SANGH &; ORS. .... Respondents

Manish Mestry h/for Mr. M.P. Vashi for appellants
Mr. Ketan Parekh for respondents no.1 to 3.

CORAM: D. G. KARNIK **J.**

DATE:27th November 2006

P.C.:

1. Heard learned counsel for the parties.

2. This appeal is directed against he order dated 21st June 2004 by which the Notice of Motion No. 3405 of 2002 was disposed of. Notice of Motion No. 3405 of 2002 was taken out by the appellant for an injunction restraining the respondents from constructing the pandals in the compulsory open space for the purpose of religious ceremonies to be held from 3rd September 2002 to 10th September 2002. Those dates are long over. There is no allegation that presently the

respondents are trying to erect any pandals in the compulsory open space. In the circumstances the original motion itself has become infructuous which it was disposed of , so is this appeal.

3. For these reasons this appeal is dismissed summarily.

(D.G. KARNIK J.)